

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FALLS LAKE NATIONAL INSURANCE
COMPANY,

Plaintiff,

-v-

No. 19-CV-10491-LTS-BCM

270 WEST STREET LLC, et al.,

Defendants.

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ORDER

This matter was commenced by the filing of a complaint on November 12, 2019, and defendants 270 West Street LLC, Capstone Contracting Corp., Fernhill Construction Corp., and Cristhian Ochoa have failed to interpose a timely answer to the complaint or otherwise move in this proceeding. Plaintiff has moved for a default judgment but neglected to notify the Court by letter of its intention to seek a default judgment, copied to the defaulting defendants, as required by the undersigned's Individual Practice Rule A.2.d., which provides:

C. Motions for default judgments. A party wishing to obtain a default judgment must notify the Court by letter (copied to the party against which a default judgment is to be sought) of its desire to seek a default judgment. The Court will direct the party as to whether evidentiary submissions will be required in connection with the motion. . . .

It is hereby ORDERED, that the Court terminates the pending default judgment motion (docket entry no. 25), without prejudice, for failure to comply with Rule A.2.d. Serving defendants with a copy of this Order will satisfy the letter requirement set forth in Rule A.2.d. Plaintiff may file a renewed motion for default judgment in accordance with the terms of this Order; and it is further

ORDERED, that the plaintiff's motion must be accompanied by evidence, in admissible form, of such facts as it would have proffered to meet its burden of proof on its direct case had a trial been held in this action. Plaintiff's motion should also clarify the precise relief sought (see, e.g., Declaration of Steven Verveniots, docket entry no. 25-1, at ¶ 2); and it is further

ORDERED, that such motion for default judgment must be served on the defendants and must be accompanied by copies of the Clerk's Certificate and of proof of service

of the summons and complaint and the motion for default judgment as provided by the undersigned's Individual Practices Rules; and it is further

ORDERED, that said motion shall be briefed in accordance with the schedule set forth in Local Civil Rule 6.1 and will be taken on submission unless otherwise directed by the Court; and it is further

ORDERED, that plaintiff must serve a copy of this Order on defendants and file proof of such service within fourteen (14) days from the date hereof.

Dated: New York, New York
January 13, 2020

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge